

Decision Record
Moses Coulee Land and Water Conservation Fund Purchase - Property L
Central Washington Assembled Land Exchange - Acquisition of Property M
(Environmental Assessment #OR134-08-EA-002)

Decision:

It is my decision to approve a portion of Alternative 1 from Environmental Assessment No. OR134-08-EA-002. Approved is the purchase of Property L using the Land and Water Conservation Fund (LWCF) and the acquisition of Property M through the Central Washington Assembled Land Exchange (CWALE). A decision on the acquisition of Properties N and O is being deferred because the appraisal of Property N has not yet been completed and it appears that Property O is no longer available for acquisition.

The four tracts of non-federal lands listed in Appendix 1 of the environmental assessment were analyzed and found to be suitable for federal acquisition. However, during the preparation of the environmental assessment, discussions with the respective non-federal landowners revealed several changes. These include the intent of the owners of properties L and M to retain a single 40 acre tract from each of the properties, and the intent of the Property O landowner to remove it from consideration (due to a competing purchase offer). As a result, properties L and M are now 2,628 acres and 2,067.80 acres, respectively, and Property O (63.01 acres) is not likely to be acquired. Because of scheduling issues, the appraisal of Property N has not yet been completed.

The details for implementation of this decision are as follows:

1. Through use of the Moses Coulee LWCF account, the BLM would acquire the fee simple estate to 2,628 acres of Property L. The legal description of this property (as modified) is listed in the attached Exhibit A.
2. Through the use of exchange equity contained in a cash ledger account established in the CWALE, the BLM would acquire the fee simple estate to 2,067.80 acres of Property M. The legal description of this property (as modified) is listed in the attached Exhibit A.

Once acquired, these properties will be managed according to applicable federal laws and regulations, including the Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act of 1973, and in conformance with decisions in the Spokane Resource Management Plan (RMP) and Record of Decision (ROD), approved in 1987 and amended in 1992. Management under multiple use principles will apply, pursuant to guidance in the Spokane RMP. Because both properties include habitat for the Greater sage grouse, future management actions will be consistent with the BLM's National Sage-Grouse Conservation Strategy (Nov. 2004) and the State of Washington Greater Sage Grouse Recovery Plan.

Encumbrances: Acquisition of the properties would be subject to encumbrances of record, as shown on Exhibit A.

Appraised Market Value and Value Equalization for Property Acquired Through Exchange (43 CFR 2200.0-6(c): In this decision, only Property M would be acquired through the exchange. Property L would be acquired using the Land and Water Conservation Fund. The approved value of Property M is \$414,000. Because CWALE is an assembled land exchange where multiple transactions have already occurred, a ledger account exists with a secured balance in favor of the United States that is sufficient to acquire this property. The current equity contained in the ledger account has accrued through approved CWALE Phase II transactions, using value equalization procedures stipulated by BLM's exchange

regulations (43 CFR § 2201.1-1). Acquisition of Property M will reduce the ledger account by \$414,000. Final equalization of values for the CWALE, involving disposition of any remaining ledger balance, would take place in a final transaction, anticipated to occur before the end of spring, 2008.

Implementation Period: The decision to acquire Property M through the CWALE would be put into effect upon the completion of a 45-day comment/protest period that begins the day after newspaper publication of a Notice of Decision, and resolution of any protests duly filed within the 45-day comment/protest period. The decision to acquire Property L is not subject to the comment/protest requirement and would be implemented as soon as feasible.

Rationale:

The decision to complete a portion of Alternative 1 from the EA will enable BLM to acquire two tracts comprising 4,695.80 acres of valuable shrub-steppe habitat in the upper part of Moses Coulee. Both properties L and M are within the boundary of BLM's Moses Coulee LWCF project area, and each have values consistent with stated goals of the project: to acquire suitable shrub-steppe habitat, to provide a continuous corridor important for a number of shrub-steppe dependent species, to prevent future listing of threatened and endangered species, and to provide new dispersed recreational opportunities in Central Washington. Both properties are occupied habitat for the Greater sage grouse, a federal candidate and Washington State threatened species. Available evidence also suggests the properties previously supported the pygmy rabbit (federal and Washington State listed as endangered). The tracts fit in well with existing BLM and state ownership, directly adjoining State Department of Fish and Wildlife lands specifically acquired for sage grouse and pygmy rabbit habitat. Acquisition of the properties, when combined with these existing public ownerships, will markedly increase the uninterrupted expanses of protected land available to shrub-steppe dependant species in the upper Moses Coulee vicinity. Through this action, the ability to maintain functional shrub-steppe ecosystems in Central Washington will be enhanced, improving habitat availability for plant and animal species relying upon shrub-steppe.

Recreation opportunities will be improved through an increase in shrub-steppe areas legally accessible by the public. Acquisition of these properties will provide more areas available for non-motorized recreation uses such as fishing, hunting, hiking, camping, horseback riding, and sightseeing. Because of its Grimes Lake waterfront, Property L holds special value for recreation use.

The acquisition of these properties through purchase and exchange, respectively, is authorized pursuant to the Federal Land Policy and Management Act of 1976, as amended. Under Section 205 of the Act, BLM may purchase Property L through use of the Land and Water Conservation Fund. Under Section 206 of the Act, BLM may acquire Property M through the Central Washington Assembled Land Exchange. Both the LWCF and exchange actions are consistent with current Bureau policy, and the land tenure adjustment criteria in the Spokane District Resource Management Plan (RMP). According to the RMP, acquisitions of lands by exchange and purchase are to be used to acquire specific tracts that provide greater expanses of uninterrupted high value wildlife habitats, possess recreational values that can be better managed and/or developed in public ownership, provide legal access to other public lands, qualify as an ACEC (Area of Critical Environmental Concern), have high scenic values, enhance the value/manageability of other public lands, or possess other resource values of public interest that would be devalued or lost if retained in private ownership.

Public Involvement: Outreach efforts undertaken by the BLM have indicated that the acquisition of these properties through exchange and the LWCF is non-controversial. Two written comments were received in response to the initial public notice (Notice of Exchange Proposal) BLM mailed to interested parties and published once a week for four consecutive weeks in the Wenatchee World newspaper.

Public Interest Determination: Pursuant to Section 206 of the Federal Land Policy and Management Act, as amended, acquisition of Property M through exchange was found to be in the public interest. The larger expanse of public land to be created will protect and preserve a larger contiguous area of native shrub-steppe habitat, provide the public with greater recreation opportunities in the region, and enhance federal land management activities. The analysis confirmed that the public interest would be well served by the acquisition of Property M through the Central Washington Assembled Land Exchange.

The acquisition of Property L meets criteria contained in section 205 of FLPMA in that it is consistent with BLM's mission and its applicable land use plans.

FINDING OF NO SIGNIFICANT IMPACT
MOSES COULEE LAND AND WATER CONSERVATION FUND PURCHASE - Property L
CENTRAL WASHINGTON ASSEMBLED LAND EXCHANGE - Acquisition of Property M

Based on the effects discussed in the Environmental Assessment, I have determined that the Proposed Action is not a major federal action which would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. None of the environmental effects identified meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not necessary and will not be prepared. This determination is based on the following:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. The physical and biological effects are limited to the site of the proposed action and adjacent lands.
2. Public health and safety would not be adversely impacted.
3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.
4. There are no highly controversial effects on the environment.
5. There are no known effects that are highly uncertain or involve unique or unknown risk.
6. This alternative does not set a precedent for other projects that may be implemented in the future.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Completing the LWCF and exchange acquisitions will not result in unmitigated adverse effects to properties listed or eligible for listing in the National Register of Historic Places, nor cause loss or destruction of significant scientific, cultural, or historical resources.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act was identified.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations and requirements for the protection of the environment.

/s/ Sally Sovey
Field Manager, Wenatchee Resource Area

January 23, 2008
Date

EXHIBIT A

Legal Description of Property L:

T.26N., R.26E., Willamette Meridian, Douglas County

Section 17: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 20: Lots 3, 4, 7, E $\frac{1}{2}$ E $\frac{1}{2}$

Section 21: All

Section 28: All

Section 29: Lots 1, 3, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

EXCEPT that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ being a strip of land 137.5 feet in width, 105.25 feet on the Northerly side and 32.25 feet on the Southerly side of the following described line: Beginning at a point on the South line of said Section 32, which point lies 900 feet, more or less, West of the Southeast corner of said section; thence North 67°04' West a distance of 450 feet, more or less, to a point on the West line of said subdivision, which point is 180 feet, more or less North of the South line thereof.

Property L Encumbrances:

1. Right of the public to make necessary slopes for cuts or fills upon the land herein described in the reasonable original grading of streets, avenues, alleys and roads, as dedicated in the plat.
2. Right for electric transmission line and appurtenant structures which lie in the S $\frac{1}{2}$, section 32.
3. Right of the State of Washington in and to that portion, if any, of the land herein described which lies below the line of ordinary high water of the Grimes Lake.
4. Any change in the boundary or legal description of the land described herein, due to a shift or change in the course of the Grimes Lake.
5. Rights and easements of the public for commerce, navigation, recreation, and fisheries.
6. Any restrictions on the use of the land resulting from the rights of the public or riparian owners to use any portion which is now, or has formerly been, covered by water.
7. Right-of-way for county and state roads as disclosed by Douglas County Assessor's plat maps.

Legal Description of Property M:

T.25N., R.26E., Willamette Meridian, Douglas County

Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$

Section 15: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$

Section 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 21: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 22: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Property M Encumbrances:

1. Right of the public to make necessary slopes for cuts or fills upon the land herein described in the reasonable original grading of streets, avenues, alleys and roads, as dedicated in the plat.
2. Easement to Douglas County for telephone, telegraph, electric transmission and distribution lines existing on the property as of October 29, 1942.
2. Rights-of-way for county and state roads, as disclosed by Douglas County Assessor's plat maps.